

REMARKS

In response to the outstanding Restriction Requirement mailed June 16, 2009, Applicants elect Group VI, claim 22 without traverse. Applicants further elect the species *Bifidobacterium* sp. 420 for examination.

Claims 23-28 have been amended such that those claims are now dependent on claim 22. Support for the amendments may be found at, for example, the original claims as filed. Claims 22-28 read on the elected species. Applicants respectfully request the consideration of the species *Bifidobacterium lactis*, *Bifidobacterium longum*, *Bifidobacterium breve*, or *Bifidobacterium animalis* once the search for the elected species *Bifidobacterium* sp. 420 is complete.

Applicants acknowledge reference to WO 03/010297 and reserve comment on this reference if and when a *prima facie* argument of unpatentability is presented with respect to this reference.

Claims 1-21 and 29-39 have been withdrawn.

Claims 22-28 are currently pending.


CONCLUSION

Applicant believes that the claims are in condition for allowance. A petition for a one-month extension of time is attached.

Should any fees be required by the present Reply, the Commissioner is hereby authorized to charge Deposit Account 19-4293.

Respectfully submitted,

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